

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

CHAPTER 45
QUO WARRANTO

600.4501 Quo warranto; attorney general; private party.

Sec. 4501. The attorney general shall bring an action for quo warranto when the facts clearly warrant the bringing of that action. If the attorney general receives information from a private party and refuses to act, that private party may bring the action upon leave of court.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4505 Usurpation of office; determination; judgment for relator; proceedings.

Sec. 4505. (1) In actions brought against persons for usurpation of office, the judgment may determine the right of the defendant to hold the office. If a party plaintiff alleges that he is entitled to the office, the court may decide which of the parties is entitled to hold the office.

(2) If judgment is rendered in favor of a party who is averred to be entitled to the office, he is entitled, after taking the oath of office, and executing any official bond which is required by law, to take the office. Such party shall be given all the books and papers in the custody of the defendant, or within his power, belonging to the office.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4511 Usurpation of office; damages.

Sec. 4511. When an action is brought against a person for usurping an office and the person rightfully entitled to the office is a party and avers his right to it, and judgment is rendered in his favor, he is entitled to any damages sustained because of the usurpation by the defendant of the office from which the defendant has been evicted. The claim for damages may be joined with the claim for quo warranto, or brought separately within 1 year after the judgment in the action for quo warranto.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4515 Usurpation of office; ouster; costs; fine.

Sec. 4515. Whenever any defendant in a quo warranto proceeding is found or adjudged guilty of usurping or intruding into or unlawfully holding or exercising any office, franchise, or privilege, judgment shall be rendered that the defendant be ousted and altogether excluded from that office, franchise, or privilege. In addition to awarding costs against the defendant, the court may, in its discretion, impose a fine upon the defendant found guilty, not exceeding \$2,000.00.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4521 Judgment against corporation; dissolution; fine.

Sec. 4521. If a corporation has, by any misuser, nonuser, or surrender, forfeited its corporate rights, privileges and franchises, the judgment in an action for quo warranto shall oust and exclude such corporation from such corporate rights, privileges and franchises, and may dissolve the corporation. In addition to such judgment or in lieu thereof (except in case of such surrender), the court may impose a fine not exceeding \$10,000.00 upon the corporation. The fine will not prevent further prosecution for any continuance or repetition of the conduct complained of.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4525 Judgment against corporation; collection of fine and costs.

Sec. 4525. If such judgment is rendered or if fine is imposed against any corporation, or against any persons claiming to be a corporation, the court may cause the fine and the costs of the action to be collected by execution against the persons claiming to be a corporation, or against the directors or other officers of any such corporation.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4531 Judgment against corporation; restraint; receiver; accounting; distribution of assets; duty of attorney general.

Sec. 4531. Whenever any such judgment is rendered, any court having equity jurisdiction has the same powers to restrain the corporation against which it is rendered; to appoint a receiver of its property and effects; and to take an account and make distribution thereof among its creditors, as in the case of the

voluntary dissolution of a corporation, and the attorney general shall, immediately after the rendering of any such judgment, institute proceedings for that purpose.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4535 Judgment; filing of record of judgment; notice; publication.

Sec. 4535. Whenever any such judgment is rendered against a corporation, a copy of the record of such judgment shall be forthwith filed in the office of the corporation and securities commission. The corporation and securities commission shall forthwith cause notice of the substance and effect of such recovery to be published for 4 successive weeks in some newspaper printed at the seat of government, and in a newspaper printed in the county where the principal office or place of business of such corporation is, if a newspaper is printed there.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4541 Forfeited property; recovery by attorney general.

Sec. 4541. Whenever by the provisions of law or order of the court any property, real or personal, is forfeited to the people of this state or to any officers for their use, an action for the recovery of such property alleging the grounds of such forfeiture may be filed by the attorney general in the circuit court.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4545 Election fraud or error; circuit court; time for filing action; plaintiffs; defendant; procedure.

Sec. 4545. (1) An action may be brought in the circuit court of any county of this state whenever it appears that material fraud or error has been committed at any election in such county at which there has been submitted any constitutional amendment, question, or proposition to the electors of the state or any county, township, or municipality thereof.

(2) Such action shall be brought within 30 days after such election by the attorney general or the prosecuting attorney of the proper county on his own relation, or on the relation of any citizen of said county without leave of the court, or by any citizen of the county by special leave of the court or a judge thereof. Such action shall be brought against the municipality wherein such fraud or error is alleged to have been committed.

(3) After such action is brought the procedure shall conform as near as may be to that provided by law for actions for quo warranto.

History: 1961, Act 236, Eff. Jan. 1, 1963.